APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,711	12/02/2004	Lieven Gesquiere	PF020058	6753

24498	7590	12/11/2008
Joseph J. Laks		
Thomson Licensing LLC		
2 Independence Way, Patent Operations		
PO Box 5312		
PRINCETON, NJ 08543		

EXAMINER
TESHALE, AKELAW

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
12/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/516,711	GESQUIERE ET AL.
	Examiner	Art Unit	
	AKELAW A. TESHALE	2614	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 December 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-9 and 20-27</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-9 and 20-27</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>02 December 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   **Claims 10-19** have been cancelled.

2.   The information disclosure statement filed **12/02/2004 sheet 2 of 2** fails

to comply with 37 CFR 1.98(a)(1), which requires the following: U.S. patent -

patent number, issue date (month & year) and patentee ,Foreign patent -

document number, publication date (month & year) and country, Publication -

publisher, author (if any), title, relevant pages, date and place of publication .The

examiner consider the information contained in the document relied on by

applicant will not be consider unless it meets the above requirements.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section
> 122(b), by another filed in the United States before the invention by the applicant for patent or
> (2) a patent granted on an application for patent by another filed in the United States before
> the invention by the applicant for patent, except that an international application filed under
> the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an
> application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

4.   **Claims 1-9 and 20-29** is rejected under 35 U.S.C. 102(e) as being

anticipated by U.S Patent No. 6,658,499 B1 to Day et al.

As to **claim 1,** Day et al discloses a modem for interconnecting a DSL line and a local bus which modem comprises a DSL interface adapted to send and receive data on the DSL line at a DSL bandwidth selected from a first set of bandwidths, and a local bus interface, wherein the local bus interface is adapted to operate at a local bus bandwidth selected from a second set of bandwidths so as to match the DSL bandwidth (Abstract, see Fig.6 and column 13, lines 30-58).

As to **claim 2,** Day et al discloses the modem according to claim 1, wherein each set is formed of a plurality of discrete predefined bandwidth amounts (column 2, lines 12-34).

As to **claim 3,** Day et al discloses the modem according to claim 1, each set is formed of a plurality of discrete predefined bandwidth amounts (column 2, lines 12-34).

As to **claim 4,** Day et al discloses the modem according to claim 1, wherein the local bus interface is a USB interface (see Fig.1 element 110).

As to **claim 5,** Day et al discloses the modem according to claim 4, wherein the USB interface is adapted to operate in bulk transfer mode if the DSL bandwidth is below a predefined non-zero threshold and in isochronous transfer mode if the DSL bandwidth is above said threshold (column 2, lines 12-34).

As to **claim 6,** Day et al discloses the modem according to one of claim 1, wherein it comprises storage means for storing data representative of at least one of a local bus bandwidth amount and a DSL bandwidth amount assigned to a service accessible by said DSL line (column 6, lines 58-67).

As to **claim 7,** Day et al discloses a method for establishing a data transfer mode for a modem interconnecting a DSL line and a local bus , preferably a modem(see Fig. 1) according to claim 1, comprising the steps of :

a) selecting at least one of a desired DSL bandwidth and a desired local bus bandwidth from first and second sets of bandwidths according to a desired type of service to be accessed via said DSL line(see Fig.6 step 608) ,

b) Attempting to synchronize the DSL line to the desired DSL bandwidth (see Fig.6 step 622),

c) attempting to reserve the desired local bus bandwidth on the local

Bus (see Fig.6)

d) When the attempts have succeeded, transferring data between the DSL line and the local bus (Abstract and Fig 6).

As to **claim 8,** Day et al discloses the method of claim 7, wherein each set is formed of a plurality of discrete predefined bandwidth amounts (column 2, lines 12-34).

As to **claim 9,** Day et al discloses the method of claim 8, comprising the step of selecting one of the desired bandwidths based on the other bandwidth such that the desired local bus bandwidth is the lowest bandwidth from said second set that has a payload data rate at least equal to that of the desired DSL bandwidth (See Fig .6 step 610-622).

As to **claim 20,** Day et al discloses the method of claim 7, wherein at least one of the desired bus bandwidths is selected based on a specified bandwidth amount for the desired service stored at the modem (column 6, lines 58-67).

As to **claim 21,** Day et al discloses the method of claim 7, wherein step c) is carried out before step b) (See Fig.6).

As to **claim 22,** Day et al discloses the method of claim 21, wherein if step c) fails, a lower desired local bus bandwidth is selected from the second set, and step c) is repeated (See Fig.6).

As to **claim 23,** Day et al discloses the method of claim 21, wherein the local bus is a USB bus and if step c) fails and no lower desired local bus bandwidth can be selected from the second set, bulk transfer mode is selected for the local bus (See Fig.6).

As to **claim 24,** Day et al discloses the method of claim 9 wherein step c) is carried out before step b), and the step of claim 9 is applied to the DSL bandwidth after step c) was successful (See Fig.6).

As to **claim 25,** Day et al discloses the method of claim 7, wherein step c) is carried out after step b) (See Fig.6).

As to **claim 26,** Day et al discloses the method of claim 25, wherein if step b) fails, a lower desired DSL bandwidth is selected from the first set, and step b) is repeated(See Fig.6).

As to **claim 27,** Day et al discloses the method of claim 25, wherein the local bus is a USB bus and if the desired DSL bandwidth is below a specified nonzero threshold after step b) has succeeded, step c) is replaced by setting bulk transfer mode for the local bus(see Fig.6 and Column 2, lines 60-64).

As to **claim 28,** Day et al discloses the method of Claim 25, wherein the local bus is a USB bus and if step c) fails, bulk transfer mode is selected for the local bus (see Fig.6 and Column 2, lines 60-64).

As to **claim 29,** Day et al discloses the method of claim 9, wherein step c) is carried out after step b) and the step of claim 9 is applied to the local bus bandwidth after step b) was successful (See Fig.6).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AKELAW A. TESHALE whose telephone number is (571)270-5302. The examiner can normally be reached on M-F 7:30am-5:00 Pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, FAN TSANG can be reached on (571)272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Akelaw A Teshale/
Examiner, Art Unit 2614
/Fan Tsang/
Supervisory Patent Examiner, Art Unit 2614